UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

FEB 9 2017

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 1:17mj 62
	)	
SOUFIAN AMRI	)	
	)	
and	)	
	)	
MICHAEL QUEEN	)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Rachel Bergstrom, after being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI's Washington Field Office. I have been employed by the FBI since January 2016, during which time I have worked on a Counterterrorism Division squad responsible for terrorism threats within the United States. During my tenure with the FBI, I have participated in investigations of organizations and individuals engaged in terrorism and terrorist activity. Through my training, education, and experience, I have become familiar with the manner in which individuals engaged in terrorist activity operate and communicate, and some of the methods that are used to conceal evidence of participation in terrorist activity.

2. This affidavit is submitted in support of a criminal complaint charging Soufian Amri and Michael Queen with conspiring to engage in misleading conduct toward another person, with the intent to prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense, in violation of 18 U.S.C. § 1512(b); and to falsify, conceal, and cover up by a trick or scheme a

material fact, and to make materially false, fictitious, and fraudulent statements and representations, in a matter within the jurisdiction of the executive branch of the Government of the United States, in violation of 18 U.S.C. § 1001(a), all in violation of 18 U.S.C. § 371.

3. I have personally participated in this investigation and have knowledge of many of the facts and circumstances described herein. I have also received information related to this investigation from other law enforcement officers and government officials. The statements contained in this affidavit are based on my own observations, review of documents, recordings, and other reliable information provided to me by other law enforcement officials.

4. This affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant. As a result, it does not include each and every fact known by me or the government. This affidavit summarizes the content of certain recorded communications, which were recorded pursuant to the consent of at least one party to the communication. When I assert that a statement was made by an individual, that statement is described in substance and in part, but my assertion is not intended to constitute a verbatim recitation of the entire statement. When I assert that a communication was made on a certain date, I mean that the communication was made "on or about" that date.

5. Soufian Amri is a 32-year-old native-born United States citizen living in Falls Church, Virginia. Michael Queen is a 28-year-old native-born United States citizen living in Woodbridge, Virginia. Amri and Queen work in Fairfax, Virginia, at a business that they jointly own, a gaming center with high-speed internet access.

6. Queen and Amri are friends with Haris Qamar, who was charged in July 2016 with attempting to provide material support to the Islamic State of Iraq and the Levant ("ISIL")[1] for attempting to send photographs to ISIL in June 2016 for use in a video designed to encourage lone-wolf attacks in Northern Virginia and Washington, D.C. As described below, Queen and Amri conspired in the summer of 2016 to obstruct justice and provide materially false statements to the FBI about their knowledge of Qamar's support for ISIL, including Qamar's attempt to join ISIL.

A. Background Information Regarding Haris Qamar

7. Qamar is a United States citizen, born in Brooklyn, New York, in 1990, and who, until July 2016, resided in Burke, Virginia. In 2015, the FBI initiated an investigation into Qamar based on information that he was then attempting to provide material support to ISIL.

8. This affidavit refers to a Confidential Witness ("CW"), who is a United States citizen and has provided information to the FBI since 2013. None of the information provided by CW has been shown to be unreliable. CW receives money from the FBI for services provided by CW.

9. CW met Qamar in September 2015. Between that time and Qamar's arrest in July 2016, they met in person on numerous occasions, and followed each other on social media. Except for their meetings on September 6, 2015, and September 11, 2015, all conversations between CW and Qamar are documented on recordings provided to the FBI by CW.

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[1] Although this group is also known as the Islamic State of Iraq and Syria, "ISIS," or simply "the Islamic State," I use the term ISIL throughout this affidavit to identify this group.

10. CW reported that, in addition to supporting ISIL on Twitter, Qamar regularly voiced support for ISIL to his friends, and expressed his love of violence. According to CW, Amri and Queen knew that Qamar watched ISIL videos at the business they owned and operated.

11. In a conversation recorded by CW on September 25, 2015, Qamar told CW that Qamar tried to join ISIL in 2014, but Qamar's parents prevented him from traveling overseas. Qamar said his parents threatened to notify law enforcement authorities. Qamar also said he fought with his father and called his father a traitor to Islam.

12. In a conversation recorded on October 9, 2015, Qamar told CW that, prior to his planned travel to join ISIL, Qamar tried to get his passport renewed because his old passport had expired. Qamar said that his parents control his passport, and he tried to get his passport renewed without them finding out. Qamar said that he attempted to get his passport from his parents when he got a new job, and Qamar told his parents that he needed the passport as a second form of identification. On January 4, 2016, Qamar told CW that he tried to get a new passport in person, but Qamar was told that he needed his expired passport, or his birth certificate, to obtain a new passport. Qamar said that he was unable to travel overseas because his passport expired, and that he was unable to renew the passport because his parents took both his passport and his birth certificate. In a conversation recorded on March 16, 2016, Qamar told CW that he bought a plane ticket and lost $700 because he could not travel without the passport.

13. On July 8, 2016, Qamar was arrested on a criminal complaint issued by this Court, which charged him with attempting to provide material support to ISIL, in violation of 18 U.S.C. § 2339B. After his arrest, Qamar spoke to investigators and admitted to his participation in the taking of photographs for the purpose of facilitating the production of a video by ISIL, as well as attempting to transfer funds to ISIL through the purchase of gift cards. Qamar admitted to using

numerous Twitter accounts to express his support for ISIL. He also admitted that he attempted to travel to join ISIL in 2014, but said that his parents prevented him from leaving the United States by hiding his passport and his birth certificate.

14. On October 17, 2016, Qamar pled guilty before United States District Judge Leonie M. Brinkema to a criminal information alleging that he attempted to provide material support to ISIL. Qamar's sentencing is scheduled for February 17, 2017.

B. The Conspiracy To Obstruct Justice and Make False Statements

15. On June 24, 2016, FBI agents interviewed Amri at his business, in part about a pro-ISIL Facebook post made by Queen. The FBI agents recorded the conversation. The FBI agents explained to Amri that lying to the FBI is a federal offense. Amri said that he would tell the FBI if he knew anyone who voiced support for ISIL, but that he did not know of any such persons. Amri said that he did not know of anyone who tried to travel for the purpose of joining ISIL. Amri also said that he knew one person who - - long ago - - mentioned traveling for the purpose of joining ISIL. Amri described that individual as a tall, thin, Indian kid, who Amri had not seen for a long time. As explained below, Amri's statements to the FBI agents were false.

16. Later that day, FBI agents observed Amri talking to Queen at their business, and then interviewed Queen. The FBI agents recorded the interview. The FBI agents explained to Queen that lying to the FBI is a federal offense. Queen said that he did not know of anyone who voiced support for ISIL or posted pro-ISIL materials online. Queen identified the tall Indian individual referenced by Amri as "Sunite" (my spelling), but said that he did not know if Sunite was serious about supporting ISIL. Queen also said that he did not know of anybody who tried to travel overseas for the purpose of joining ISIL. As explained below, Queen's statements to the FBI agents were false.

17. On June 28, 2016, CW recorded a conversation between Queen, Qamar, and CW. In that conversation, Queen told Qamar and CW about the FBI interviews on June 24, 2016. Queen said the FBI asked if Queen and Amri knew anyone who was going to join ISIL, or otherwise was pro-ISIL. Queen told them he said to the FBI, "I don't know, we threw some . . . Hindu dude that we used to know underneath the bus." Queen said, "I'm never going to throw a Muslim underneath the bus to try to do the right thing."

18. Later that day, in another conversation recorded by CW, Qamar told CW that, after the FBI interviews, Amri and Queen told Qamar to be careful because the FBI was asking about anyone who supported ISIL. Qamar told CW that Queen said when he (Queen) first heard about the FBI agents at his business, Queen immediately thought the FBI was there about Qamar.

19. On July 8, 2016, shortly after Qamar's arrest, FBI agents spoke to Amri again in another recorded conversation. Amri said he has known Qamar since 2009. Amri said that Qamar was obsessed with ISIL and constantly talked about ISIL. Amri admitted knowing that Qamar had expressed support for ISIL on Twitter. Amri said that he and Queen told Qamar that Qamar could no longer watch ISIL videos at their business. Amri said that he knew that Qamar and CW supported ISIL, but he failed to mention them to the FBI agents on June 24, 2016, because he did not want Qamar and CW to be questioned by the FBI and get in trouble.

20. In Amri's conversation with the FBI, on July 8, 2016, Amri admitted that Qamar told him in 2014 about Qamar's plan to travel to Turkey for the purpose of joining ISIL. Amri said he advised Qamar not to go overseas for the purpose of joining ISIL. Amri said Qamar ended up not going after Qamar's father took away Qamar's expired passport so that Qamar could not get a new passport. Amri said that Amri gave Qamar $50 for basic necessities after Qamar was unable to get a refund for his $700 airline ticket to Turkey.

21. In Amri's conversation with the FBI agents on July 8, 2016, Amri also said that after he was interviewed by the FBI on June 24, 2016, Amri talked with Queen to coordinate their stories and protect Qamar. Amri admitted that he told Queen not to mention Qamar to the FBI. Amri admitted that he told the FBI on June 24, 2016, about a tall, thin Indian individual so that he would not have to talk about Qamar.

22. In his conversation with the FBI on July 8, 2016, Amri said that after he was interviewed by the FBI on June 24, 2016, Amri told Qamar about the interview, and he told Qamar to stop talking about ISIL. Amri told Qamar not to worry because Amri and Queen did not mention Qamar to the FBI.

23. On July 8, 2016, the FBI also spoke to Queen again, shortly after Qamar's arrest. In a recorded interview, Queen initially reiterated that Sunite was the only person he knew who supported ISIL, and repeated that he was unaware of anyone who had tried to travel for the purpose of joining ISIL. Although Queen admitted to being friends with Qamar since 2008, he denied knowledge that the Twitter accounts used by Qamar were actually controlled by Qamar; denied knowing that Qamar supported ISIL; and denied knowledge that Qamar ever attempted to travel for the purpose of joining ISIL.

24. After the FBI agents told Queen that Qamar had been arrested, Queen admitted that he spoke to Amri on June 24, 2016, about what to tell the FBI about Qamar. When asked whether anyone told or coached him not to mention Qamar to the FBI, Queen said that Amri told him to "be careful with what you say about [Qamar], because he might be linked to ISIS . . . and they might label me as the same." Queen ultimately admitted that he did not mention Qamar to the FBI agents on June 24, 2016, because he did not want the FBI's attention to be on Qamar.

Queen ultimately admitted that he knew that Qamar had wanted to travel to ISIL, but was stopped by his parents.

25. In sum, in June 2016, Amri and Queen believed that the FBI was investigating whether individuals known to Amri and Queen had attempted to provide material support to ISIL, by means of traveling to join ISIL, and knew that Qamar had expressed support for ISIL and attempted to travel overseas to join ISIL in 2014. In order to influence, delay, and prevent FBI agents from communicating to a judge of the United States information for a search warrant or an arrest warrant based on Qamar's attempt to join ISIL, Amri and Queen each told FBI agents that the only person they knew who might support ISIL, or travel to join ISIL, was an individual that they barely knew, and they described that individual in a way that was intended to divert attention away from Qamar. The statements that Amri and Queen made to FBI agents were material to an investigation by the FBI into an ISIL supporter who was known to Amri and Queen. Further, the statements that Amri and Queen made to FBI agents were false and fraudulent in that, as both Amri and Queen well knew, Qamar had expressed support for ISIL and attempted to travel overseas to join ISIL in 2014. Their agreement to mention a tall Indian individual was a trick or scheme intended to conceal Qamar's support for ISIL by diverting the FBI's attention to someone other than Qamar.

Conclusion

26. Based on the foregoing, there is probable cause to believe that, between on or about June 24, 2016, and July 8, 2016, in Fairfax County and elsewhere in the Eastern District of Virginia, Soufian Amri and Michael Queen conspired to obstruct justice; that is, to engage in misleading conduct toward another person, with the intent to prevent the communication to a law enforcement officer, or judge of the United States, of information relating to the possible

commission of a Federal offense, in violation of 18 U.S.C. § 1512(b); and to falsify, conceal, and cover up by a trick or scheme a material fact, and to make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Executive Branch of the Government of the United States, in violation of 18 U.S.C. § 1001(a), all in violation of 18 U.S.C. § 371.

Wherefore, I request the issuance of an arrest warrant pursuant to the Federal Rules of Criminal Procedure.

FURTHER THIS AFFIANT SAYETH NOT.

Rachel Bergstrom
Special Agent, FBI

Subscribed to and sworn before me on this 9th day of February 2017.

/s/
John F. Anderson
~~United States Magistrate Judge~~
JOHN F. ANDERSON
UNITED STATES MAGISTRATE JUDGE